





LIBRARY
OF THE
UNIVERSITY
OF ILLINOIS





[FOR PRIVATE CIRCULATION ONLY.]

SPEECH OF COUNSEL,

ON

THE 30TH MAY, 1848,

BEFORE

A SELECT COMMITTEE OF THE HOUSE OF COMMONS,

ON BEHALF OF

The Head, Lower and Assistant Masters of Eton

AGAINST

THE GREAT WESTERN RAILWAY

EXTENSION

FROM SLOUGH TO WINDSOR.



SPEECH OF COUNSEL,

BEFORE

A SELECT COMMITTEE OF THE HOUSE OF COMMONS,

ON BEHALF OF

The Head, Lower and Assistant Masters of Eton

AGAINST

THE GREAT WESTERN RAILWAY

EXTENSION

FROM SLOUGH TO WINDSOR.

Now then, Sir, I propose to address to you—I hope not at very great length—the observations which relate to the case as it affects the interests of Eton College. I believe it will not be denied, nor, indeed, has it been questioned, that I represent substantially the whole of the Masters concerned in the management of the School. It will not be denied either, I think, after the evidence which has been given, that those Masters are entrusted with the chief management of the School. My learned friend, the Counsel acting for the Great Western Railway Company, no doubt, led on Mr. Dupuis very ingeniously to express his conviction of the sincerity and good intentions of the College of Eton, but one single question displaced the effect of the whole of that evidence as far as the direct practical management of the School was concerned; because he told you, that although they had the general managing power they were not applied to, except in some rare case, and I think you must take it on the Evidence therefore that I do represent those who are practically charged with the discipline, and who are therefore

responsible for the safety of the boys at the School. These points I think cannot be contested; there is another point, I think, that is equally free from doubt,—that this opposition is an honest, though it may be a mistaken, opposition on the part of the Eton Masters; it is an opposition not depending upon any wish on their part to support any given Scheme, but an honest opposition, because they believe the particular Scheme before you is injurious to the interests which they are bound to protect. I say *that* without the slightest hesitation, at the same time admitting entirely that the expenses are defrayed by the South-Western Company; that is a matter which occurs constantly when there are very good and substantial objections to a Line on the part of a given Landlord, who, yet finding the interest of some competing Company coincides with his own, fairly avails himself of their assistance, makes no concealment of it before the Committee, and is usually treated, with regard to his own interest, as if such a matter had not existed.

Now, Sir, last year the Eton Masters did subscribe, as you have heard, and spent all their subscription; this year, as Mr. Coleridge told you, they would have subscribed if the assistance of the South-Western had not been offered: but I am here to state on their part, that as between them and the South-Western Company I am at liberty to conduct my case in any way which I think will be for the interests of the College, and without the slightest regard to the South-Western interests. If their interests coincide with ours, well and good. If they should at any point differ, then you may depend upon it I shall urge the claims of Eton, entirely disregarding those of the South-Western; and I must say that it is fortunate for the Masters that they have met with this support, for gentlemen in their position cannot be expected every year to find large sums to oppose powerful Companies for the interests of the

School; that they would do it to the utmost is certain, but it might have been expected, and under any reasonable state of circumstances would have been the case, that they would have received assistance from other quarters, from which other quarters circumstances have deprived them of receiving the support to which they were entitled. I say it is well that they have by chance the assistance of the South-Western Company, considering that both the Crown and the College, to whom they might justly have looked for support and assistance, have under the circumstances of the case entirely failed them. I say the Crown and the College. The College, nobody can doubt, has a direct duty and interest in protecting the School; with regard to the Crown—this is a Royal Foundation, has existed for centuries under the Castle of Windsor, has been the constant object of royal favour, has in return been the nursery of many of the chief statesmen of this country, and is a source from which the education of a large part of the nobility and gentry is derived;—from the Crown it has received many benefits—to the Crown, in the only way in which it could repay those obligations, namely, by a faithful discharge of its educational duties, it has amply repaid that debt. There was, then, a state of mutual obligation, as we conceive, between the Crown and the School, and we certainly did not expect, whatever the views of the Crown—and when I mention the Crown I speak of the public department representing the Crown, and of those only—we did not, I say, expect that our interests would have been resigned, I will not say bartered away, simply for the purpose of stopping up a few old roads; we had a right to expect that a little more consideration than that would have been afforded to us on the part of the Woods and Forests. When I point out in detail the circumstances, step by step, which have led to the consummation of that unhappy Agreement produced for the

first time before you, I think you will see good ground for considering that we have been betrayed by those who had a duty to perform towards us.

Now, Sir, first with regard to the College, I say we are without their support on this occasion. I think it very much to be lamented that the College should ever have put itself in a position to tie its hands and fetter its judgment in a matter so vital to the School; but, that error once committed, I think the College have behaved honourably and properly towards the Great Western, and they have shown as much consideration for the interests of the School in the present position of affairs, as much disposition to yield their own feelings, as it was possible to do under the circumstances in which they were placed. As you are well aware they were originally opposed to the Great Western Company, even to the extent of preventing a Station being made at Slough; stringent clauses were introduced to prevent the approach of any Line whatever, nearer than Slough, to Eton; there was a time when Mr. Bacheldor himself tells you that his duty was to look about and see that no Railway should get into Eton, if it could possibly be helped,—and that was the state of matters, as we have it in evidence, up to the time when the so-called Atmospheric Line was proposed;* that Line was opposed by the Crown, it was opposed by the College, and it was opposed by the Great Western Company—one would imagine the Great Western Company needed no inducement to oppose a Line of that kind—one would conceive that they needed no bargain to make it more their interest to throw out that Line than it would have been at any rate, but it appears that they came into contact with the College on that occasion, when a joint plan of opposition was organized, one of the terms of which—I will

* The Windsor, Slough and Staines Atmospheric Railway Company was formed in 1845, and was before parliament in the session of 1846.

not call it a stipulation—but one of the terms simultaneously entered into was, that the College should thereafter approve and consent to a Line of the Great Western Railway Company. I say that the evidence upon that subject, and, in fact, the very nature of the case shows, that the Great Western took advantage of the momentary difficulties of the College to impose that term on them ; for, I repeat, it is contrary to common sense to suppose that the Great Western Company would not have opposed that Atmospheric Line to the utmost, whether they had received any such pledge from the College or not. It was as much their interest to oppose that Line, as to oppose the South-Western Line afterwards, or any other Line which should come and interfere with their Windsor traffic. I say that that concession was made in a moment of weakness by the College, a concession that ought not to have been asked by the Great Western, but which, being once entered into, the College have honourably and faithfully adhered to.

Now, Sir, so far did they adhere to it, that last year, when the Line was proposed from Slough to Windsor, passing upon the level, or a very slight embankment, the whole way down to the River, the College gave its consent, and even, by some of its witnesses, expressed belief that there was no serious ground of apprehension ; I think that is the utmost limit to which it could possibly go, and it did go so far as that ; the Committee, however, very justly preferring the evidence and the opposition of the Masters, those practically charged with the School, to the consent of the College,—obtained under circumstances which were known to them, as they are known to you now,—rejected the Bill, notwithstanding the support of the College, and left the Masters protected as they had been before, but of course to no greater extent, and exposed

again, as they have been this year, to the liability of a second attack.

Now, Sir, this year what have the College done? Nothing has been done in the way of absolute consent, no doubt, to any other than the Great Western Line, that is not pretended; and when I come to the case of the Crown, nothing has been done in the way of absolute consent to any other Line,—there is no question about that,—but can you doubt, after the Evidence of Mr. Carter, after the letters produced, that if the College can with proper consideration to the Great Western Company, and their pledge to them, facilitate the introduction of another Line which shall not pass to the Westward of Eton, but go to the Eastward, beyond the River and through the Park, that they are ready immediately to consent to it? Sir, I will not fatigue you with reading those letters, I will not go through those letters in detail; you have the matter summed up by Mr. Carter in one or two portions of his Evidence; and I say that it is conclusive as to this, that supposing the two Companies to be agreed, the Great Western to be willing to coincide in such a plan with the South-Western, and the Crown to give its consent, the College are ready at this moment to sanction such a Line. That is the history of the College part of the transaction; you will see how very little weight, under the circumstances, can be attached to their consent to the Great Western plan—a consent which they gave, I say, in a moment of weakness, which they have adhered to honourably, but which they are perfectly willing to commute into another consent, under circumstances which the present case, in my humble judgment, renders it almost imperative should be considered by the Committee, and made the foundation of their proceedings in this matter.

I now proceed to a far more disagreeable task, I proceed to the case of the Woods and Forests—a public body repre-

senting the interests of the Crown in certain particulars. There seems to be no doubt at all, Sir, that that body was formerly opposed to all Railways into Windsor; and that was the hope, and a very considerable assurance and support to the authorities of Eton, that no such Railway would ever be sanctioned: they had the protection on the one side of the restrictive clauses in the Great Western Act; they had on the other side the general influence of the Crown exercised by the Woods and Forests, and directed against all Railways. The Atmospheric scheme, however, seems to have raised in the minds of those entrusted with such matters in the Board an opinion that some Line or other ought to be sanctioned; and accordingly we find that in the session of 1847, proceeding upon negotiations in 1846, the Line called the Windsor, Staines and South-Western Line was introduced, and introduced with the full sanction and approbation of the Crown. When it was originally proposed, however, it was proposed in a very different form from that which it afterwards assumed; for it was proposed as a Line going into Windsor pretty nearly at the same point as the Great Western has now chosen for its immediate access into Windsor, and encircling Eton by a continuation from Black Potts in the Line which has been shown to you. The confidence of the authorities of Eton in the protection of the Crown was not diminished by any thing that passed at that stage of the transaction; for they were consulted, and until they were satisfied that the portion of the Line encircling Eton would be given up, the Crown's consent was not given to the Bill, and there was therefore a direct recognition of the duty of the Crown to protect Eton, and a direct interference on their part to reject so much of the Line as would in their judgment be hostile and injurious to its interests.

It was under those circumstances, Sir, that a Bill was

introduced—a Bill limited in its object to Black Potts, and so limited by the decision of the Woods and Forests *on account of the interests of Eton*, which they felt bound to protect. With that limitation, the Bill had the full support of the Woods and Forests—not only it had the full support of the Woods and Forests, but an arrangement was made which gave the Woods and Forests a direct interest in the passing of that Bill—I believe an arrangement for the expenditure of some £60,000 upon an access through the Park, as part of a general plan for the improvement of the Town of Windsor. At that time even the assent of the crown to the Great Western Scheme was unknown; as you heard from Mr. Drake, the arrangement was made without any knowledge of the views of the Crown being favourable to the Great Western Scheme, and all the arrangements were of a kind to mislead the parties, for whom I appear, at Eton,—to mislead them as to the subject of any future sanction to the Great Western Scheme, if any such was intended at that time. First, they found their objections attended to by the Woods and Forests, those objections being to a Line in many respects similar in its passage, in the neighbourhood of Eton, to the Line of the Great Western Company; not including that black line, which however was considered out of the way of the playing fields, but including a portion of a Line very similar indeed to this now proposed by the Great Western Company. They found their wishes attended to on that point; they found the Town Improvement Bill made to fit into the South-Western Scheme; they found the South-Western bound in a heavy sum to further those improvements, and complete the accesses; they found, further, that one particular enforced by the Woods and Forests in the agreement related to the admission of the Great Western into the Black Potts Station whenever they should wish to come there. Now, under

those circumstances, what could the Eton Masters do? They have told you, one and all, "We would rather have had no Railway at all. We think the original isolation of Eton from all Railways was the safest and best position; but here was a scheme brought forward with the consent, and approbation and direct interest of the Crown in it,—a scheme in which our interests were considered and alterations in the plan made in order that our views might be met,—a scheme in which we found provision made to receive the Great Western at the same spot. What could we do but say, under those circumstances, we had better take this Line, in order that we may escape the chance of a much worse one?" That is the tone that has been used by all the witnesses for Eton before you who have spoken on this subject; and, I say, it was a reasonable conclusion on their part, that every thing that had been done proceeded upon one supposition, that supposition being that the Great Western Company, if they were to come at all, must come to the Black Potts Station, and never would be allowed to molest and injure the School. That was the state of matters before the Bill went into Committee, and our previous conclusions on this subject were most remarkably strengthened, certainly, by the evidence which was given by the Chief Commissioner of Woods and Forests. You will remember that Evidence, for I believe it has been referred to more than once. The Chief Commissioner was a witness in favour of the South-Western Scheme: he expressed no opinion in his examination in chief—none whatever—about the Great Western project, but on cross-examination it was put to him.

Member of the Committee.—In favour of the South-Western,—You said the Great Western.

The Chairman.—Yes, he means the Great Western.

Counsel.—He expressed no opinion about the Great

Western scheme when examined upon the South-Western scheme.

The Chairman.—Counsel is quite right; he says in his examination in chief he made no reference to the Great Western scheme, the first reference made to it was on cross-examination.

Counsel.—He was not examined, as I say, at all against the Great Western scheme, and we should have been perfectly content, as far as we the promoters of the South-Western scheme, for I was then acting for them, were concerned, if he had been entirely silent.

The Chairman.—They were not considered as competing Lines in the House of Commons last year, by the resolution of the Committee.

Counsel.—Not at all, but it seemed fit to the Great Western party to press his Lordship on the subject of the Great Western Line.

The Chairman.—The Evidence you read to us before were the three last questions and answers.

Counsel.—Just so; this is it:—

Q. “ Probably your Lordship would be of opinion that *ceteris paribus* one Railway would be better than two?”

A. “ I think one would be preferred.”

Q. “ I ask that question, because I find in the proceedings of last year that such a statement was made by the Board of Woods and Forests;—and that preference still exists?”

A. “ Yes.”

Q. “ I do not know whether you know the fact;—very probably, from your connection with the Board of Woods and Forests, it may be so.—Are you aware that a long time ago an application was made to the Board, of the Great Western Railway Company, on the subject of making a Line to Windsor?”

A. " I certainly understood that to be the case."

Q. " Some years ago?"

A. " Yes."

Q. " At that time it was suggested to them that they had better defer their application until the propriety of making a Line to Windsor, as a public necessity, should be clearly established?"

A. " I understood it was so."

Q. " And that upon that occasion they would not meet with any opposition from the Board, when the occasion should arise?"

A. " Very probably: I am enabled to state that the Crown has always thought itself extremely indebted to the managers of the Great Western Railway."

Then on re-examination by Mr. Serjeant Wrangham, the question is put,—

Q. " With reference to the suggested annoyance to the Castle, of a line of road in the proposed direction, your Lordship tells us that that has been well considered?"

A. " The Crown gives its full assent to the scheme, with all its incidents."

Q. " The preference of the Crown, however, for unity, rather than duality of Railway, exists?"

A. " Yes."

Q. " May I venture to ask your Lordship for which one of the two, that preference is now exercised under all the circumstances of the case?"

A. " As the question is put to me, I have no hesitation in saying, that, taking the whole schemes together, they would prefer the adoption of the South-Western Line."

Now, I say, that up to that time every step which had been taken by the Crown,—and I mean, of course, when I speak of the Crown, the Woods and Forests,—every step which they had taken would lead, and necessarily lead to the conclusion, first, that the Crown would protect

Eton College ; secondly, that the arrangement which they had made with the South-Western Company was one intended to be of a conclusive character, and that the Crown in fact did not intend, and would not consent—for our impression went to that extent—to another Line being taken for Great Western purposes, unless that Line were brought to Black Potts. And then, Sir, comes this evidence of the Chief Commissioner, to the effect that one Line is the object of the Crown, one only into Windsor; and that, if there is to be a question between the Great Western Line and the South-Western Line as that one Line, the South-Western is to be preferred. The evidence comes, therefore, and clenches every thing that had happened before; and we thus receive the most deliberate, solemn assurance which acts and words could give, that we were to be protected from this Great Western Scheme.

Now, Sir, the most extraordinary thing perhaps that has ever happened before tribunals of this nature, and could not have happened before any other tribunal, has been the evidence upon the subject of this evidence; for we are told now that a Minister of the Crown gave this evidence under a mistake. We never have the Chief Commissioner himself to explain the mistake; we are never told what the nature of the mistake is; but the Secretary of the Great Western Company comes forward and vouches that the Chief Commissioner, being solemnly appealed to, and the matter directly brought under his notice, in a Committee especially appointed for the purpose, has given most material evidence under what Mr. Saunders calls a mistake.

But does the subsequent conduct of the Woods and Forests look as if there had been any mistake in this matter? One incident, and one only, occurs until the last *dénouement* of this history, which can in the slightest degree be supposed to infer that there had

been a mistake, and that is the withdrawal of the Windsor Improvement Bill before the South-Western Bill had got into the House of Lords. That Bill was withdrawn at the instance of the Great Western Company, but with what view? The Chief Commissioner shall give his account of it. It was withdrawn, being precisely the Bill which is re-introduced this year; not a single variation in it. It was withdrawn at that time at the instance of the Great Western Company, and the Chief Commissioner thus explains it in a Letter to Mr. Drake: — “ I find myself, in consequence of an assurance which I gave to the Directors of the Great Western Company, unable to proceed with the Windsor Improvement Bill during the present session. It certainly did not occur to me, when I gave this assurance, that the provisions of this Bill were as essential as I find them to be for enabling the Department of Woods to give effect to their previous arrangements with the South-Western Company, much less had I any intention of impeding the progress of their Bill. In consenting to postpone the Improvement Bill until the next session, *I was actuated by the hope that before the contemplated improvements in Windsor Park, and the accesses to Windsor, were completed, means might be devised for giving full accommodation to the two Companies, and thus securing universal good-will to the Improvement Bill*; but whether this fortunate result should be arrived at or not, I consider that I, as Chief Commissioner of Woods, or whoever occupied my place, would be bound to introduce, in the next Session of Parliament, either the present Windsor Improvement Bill, as far as it gives effect to the agreement with the South-Western Company, or other provisions in lieu of them, with their consent.” Now what is the account here given of the withdrawal of the Improvement Bill?

The Chairman.—What is the date of that letter?

Counsel.—The 1st of June, 1847. You have heard the Chief Commissioner's evidence, that he preferred one Line into Windsor,—and when I speak of him I mean of course a higher power,—and that that one, should be the one of the South-Western. Consider what the Improvement Bill was to do, as far as the Railway was concerned ; it was to give an access to the Black Potts Station, and it was to do nothing more. I mean to say that all the rest of the Improvement Bill was totally *dehors* the question of Railway accommodation to Windsor. He withdraws this Bill, and he gives as his reason for withdrawing it, that he wished to secure the universal good-will for the Improvement Bill, *by devising means for the giving full accommodation to the two Companies* ; and he says he will pledge himself to bring in the same Bill another year. Is this different ? Is this incompatible in any degree with the evidence the Chief Commissioner gave before the Committee ? Does this stamp his evidence as a mistake ? On the contrary, he says, the Improvement Bill bears on the question of an arrangement satisfactory to the *two* Companies. It could be only with reference to a road across the park. He says,—I will suspend the Bill in order to see whether you cannot carry out that arrangement ; if an arrangement can be come to, then we hope you would in that case waive some particular part of the agreement, namely, the part which might be inconsistent with such an arrangement ; or if the arrangement cannot be come to, then the Improvement Bill shall be brought in just as it stands, and you shall be in the situation you would have been as if it had gone on. Now that is not inconsistent with the Chief Commissioner's evidence ; it is confirmatory of the view that he gave before the Committee, that there should be but one Line, and that that Line should be in the direction of the South-Western Line at Black Potts ; and he withdraws the Improvement Bill,

to see if he cannot meet the case of both parties instead of meeting the case of only one.

The next piece of Evidence upon the subject which is material is that of Mr. Drake, as to what passed between himself and the Chief Commissioner at Bowood—Evidence of which Mr. Drake tells you he repeated the substance to the Commissioner within the last fortnight, in order that he might assure himself that there was no mistake about it; it appears that that was in the month of October last.

The Chairman.—November.

Counsel.—But October first.

The Chairman.—The first interview was in October, but a conversation in November.

Counsel.—Yes, the latter conversation; but see how the whole goes together. Mr. Drake, the Solicitor of the South-Western Company,—fully cognizant of all the arrangements for the passage across the park, and for the reception of the Great Western Company at the Black Potts Station, and to whom that letter had been addressed upon the subject of the postponement of the improvement Bill, evidently pointed, as I have shown, to the accommodation of *both* Companies at that spot,—goes to the Chief Commissioner for the purpose of ascertaining what was to be done upon the subject of the Great Western Company coming to Black Potts Station—"My object," says Mr. Drake, "in going then, was to ascertain what the Crown intended to do in reference to the future application to Parliament. In the agreement which had been entered into between the Commissioners of Woods and Forests and the Company, as has been stated, there was a clause providing for a Line from the Great Western down to a common point of terminus—the Chief Commissioner had stated very strongly in the House of Commons, that it was the wish of those whom he represented that there

“ should be one common terminus, if it could be arranged ;
 “ and, inasmuch as, when he indicated that to us, I knew
 “ he had the *power* of enforcing arrangements on both
 “ Companies, I went to his Lordship with a view to ascer-
 “ tain what course he proposed to take in the matter, in
 “ order that we might arrange for our proceedings during
 “ the present Session.”

Q. “ What did his Lordship tell you ? ”

A. “ His Lordship told me that he had done all he
 “ possibly could to induce the Great Western Company
 “ to come down to a common Station ; but that they had
 “ declined to do so, and therefore the Crown would pursue
 “ the *same* course with reference to the Great Western
 “ Line as was pursued in the last Session.”

Did this look like mistake, Sir ? Does not every step that we trace of an active kind in the Chief Commissioner indicate a continuance of the same line of policy—the line of policy which he stated to the Committee, which he reiterated when he withdrew the Improvement Bill, and which he confirmed by subsequent negotiations with the Great Western Company, in order to induce them to come down to a station which he allotted to them from the beginning of the negotiation with the South-Western ; and he then concludes by saying, that as he could not bring them to terms, he should pursue the *same* course which he had pursued in the previous year. I suppose he intended to repeat his mistake, for all that he had done in the previous year, Mr. Saunders says, was a mistake, and you have distinctly from Mr. Drake that he proposed to repeat this course of error, which has been so exposed by Mr. Saunders’ Evidence.

The Chairman.—I do not know whether I am right in the note I have on my paper with reference to that interview in October, that Mr. Drake understood from the Chief

Commissioner the consent of the Crown would not be withheld from the Great Western.

Counsel.—I was just coming to that; I am now commenting on all the evidence there is of conduct of the Woods and Forests after the great mistake was made in the House of Commons in the last Session of Parliament. We have it that the Chief Commissioner was doing his best to bring the Great Western to the Black Potts Station. My next point is, as you justly observed, one of considerable moment, the question whether, supposing the Black Potts Station was not good enough, a better Station could be given for both the Companies. It was asked by the Committee, in reference to Mr. Drake's examination,—“Before you go to another point will you ask him what he understood was the course that the Crown intended to pursue?” Then I ask the question, “What did you understand by that?”

A. “I understood by that, that the consent of the “Crown *would* be given, would not be withheld,—rather “I should say,—would not be withheld from the Great “Western scheme, seeing it had not been in the previous “year.”

Q. “Did you understand that any active support would be given to it?”

A. “No, I did not; no, I understood the consent would be given, but I did not understand any active support would be given.”

Member of the Committee.—Was that the conversation at Bowood?

Counsel.—No, that is in October, not at Bowood. We are coming to the Bowood conversation immediately. Then it appears in the early part of November, Mr. Drake went to Bowood—“Having ascertained his Lordship would

see me on the subject there: he was made aware before I came of the object of my coming."

Q. "He had been made aware of the nature of the subject to be discussed before hand, had he, Mr. Drake?"

A. "He had."

Q. "Did you then ask his Lordship whether the consent of the Crown would be given to a suggested Line through the Park?"

A. "I did."

Q. "What was his Lordship's answer?"

A. "His Lordship's answer was, that he had communicated with those whose wishes in the matter must necessarily control the course that would be pursued, and I think in the words, as far as I can recollect, (repeating words is somewhat difficult, and I wish to take care that I do not exceed in any way the actual words that were spoken,) but I think the words used by his Lordship were these—'Why, Mr. Drake, the Court do not very much like the notion of a Railway through the Park; at the same time, if the South-Western and the Great Western would combine to come that way into Windsor, and so put an end to the unpleasant discussion that is going on, I have no doubt the consent of the Crown would be given.' I believe those were, as near as possible, his Lordship's words.—I may mention, that I have repeated to his Lordship, within the last fortnight, those words, in order that I might be careful, and not in any manner misrepresent that which took place."

Now, Sir, that is the last Evidence we had previous to the commencement of the Session of the intention of the Crown. The next occasion upon which the Woods and Forests appeared acting in the matter was in the debate in the House of Commons, in which the Chief Commissioner took part, and said, "No one could be more rejoiced

than himself if an end could be put to the prosecution of the further litigation between these two great Companies with respect to their object of coming into the Royal Borough of Windsor. He had, as Mr. Gladstone observed, when referring to Eton, many pleasing recollections of that place, and he was happy to see that he had the sympathies of the Right Honourable Gentleman upon this subject; but with respect to the reconciliation of the matters in dispute between the two Companies, he must confess that he had no expectation that he should be able to adjust them." And then he proceeds for the first time to give any public indication about the Great Western Company, and "he could not avoid expressing his opinion that any benefit, which for public convenience ought to be conferred on one Company and one only, ought, in consideration of their longer occupation of the district, to be conferred on the Great Western Company."

Now, Sir, this was about the 25th of March. He, however, undertakes to mediate, saying at the conclusion, that, so far from repudiating this proposal, he should be extremely glad to consent to it, if the two Companies would only show a disposition themselves to smooth away the difficulties.

Now, Sir, from that time to the present we know of nothing which has passed with the Woods and Forests, except from the Evidence in this room; and we certainly were very considerably surprised, and we have hardly recovered from that surprise yet, when such an Agreement was produced as that which is upon your table between the Woods and Forests and the promoters of the Great Western Scheme. To understand its merits fully, we must look at the Evidence by which it is accompanied of Mr. Saunders on his cross-examination by Mr. Talbot; and from that, Sir, and the other evidence, it appears that after

this discovery of the Chief Commissioner's mistake in the last Session of Parliament, by his Lordship there was every disposition shown to replace the Great Western Company in their previous position, and to remedy the evil consequences of the mistake which had been made. It appears, however, a consent having been promised from that period to the Great Western Scheme, that it was not until about a month ago that a treaty was entered into for the agreement which is upon your table.

Mr. Saunders says, "The transaction is now perhaps a month old; but I beg, in giving you that answer, to say, that it is the completion of a transaction which a long time ago was in contemplation, and proposed; it was in fact the original design of the Great Western Railway Company, to contribute and assist the improvements that were to be made at Windsor, of which we should derive partial benefit ourselves."

Q. "Oh! but stop;—let me understand.—Is the Committee to collect from that answer that your intention was always to buy your way through Eton opposition by a contribution of money to the Crown?"

A. "I do not call it 'buying our way through Eton opposition;' I do not admit that to be a true designation."

Q. "How comes it, if that was the original intention, that it was only brought to light so lately as within the present month?"

A. "Because last year there was a considerable difficulty arising out of an agreement which the Woods and Forests had made with the South-Western Railway Company, and *which at that time precluded them from making any arrangement with us.*"

And to the same effect, at a subsequent part of his examination, Mr. Saunders tells you, "with reference to

the mistake," (in answer to a question by the Committee,) "I observed you say that impression was made by mistake?"

A. "It was so admitted by his Lordship after he had done it to me. And he expressed the deepest regret for it, but that he had entered into an agreement with the South-Western Company."

Now then, Sir, if that agreement with the South-Western Company was not designed by the Chief Commissioner, and not understood by the parties, to have any exclusive operation in their favour, I should like to know why the existence of that agreement was any bar to the Great Western contributing to the Windsor scheme last year? You have had it from Mr. Saunders himself, that the existence of that agreement was the reason why the Crown and the Great Western Railway Company could not come together on the subject of this Improvement Bill last year. How could it be so?—why should it be so?—unless it was then intended, and believed by the Crown and by the parties acting in concert with the Crown, namely, the South-Western Company and the Eton authorities, who are, in a certain sense, parties to the arrangement; unless it was then believed by the Crown and those other parties that that arrangement excluded the admission of the Great Western Line in their proposed route into Windsor? Here we have it on Mr. Saunders's evidence. It must have been that, because the Bill introduced this year is in precisely the same form in which it stood last year—the Improvement Bill does not differ one tittle this year from what it did last year. How could the existence of that arrangement last year have precluded this giving £25,000 if they had been so minded, *unless there was an honourable understanding at that time, which has been since thrown over, that this arrangement was to be a final arrangement at Black Potts, and that if the Great Western were to come*

into Windsor, they were to come in that way and no other. I say the evidence itself makes it clear that that must have been the state of the case.

Then Mr. Saunders is examined a little further—

Q. “ I want to understand what portion of the works which are to be done under the Improvement Bill have been added for the convenience of the Great Western Railway Company ? ”

A. “ I do not know that I can say anything has been added for the convenience of the Great Western Railway; but I think the Great Western Railway Company will receive advantage from the communication between Old Windsor and New Windsor, and generally the improvements at Windsor will be beneficial to us as well as to the Crown.”

So they would have been last year : they were the same improvements precisely.

Then he is asked—“ The fact is, that there was no obstacle to the contribution of 25,000*l.* last year ? ”

A. “ Do you mean obstacle on the part of whom ? ”

Q. “ Of anybody.”

A. “ Yes, there was a very considerable obstacle.”

Q. “ What was that ? ”

A. “ In the first place, it was not asked from us ; and in the next place, it was not offered.”

Q. “ Do you mean it has been asked this year ? ”

A. “ It has been part of the arrangement that has grown out of the communication. I cannot say it has been asked ; it has been granted at all events.”

Q. “ Did you suggest it Mr. Saunders, or did the suggestion come *aliunde*, to be put in the mildest way ? ”

A. “ I think the suggestion came from the Great Western Railway Company.”

Q. “ How comes it that you told us the other day, that

the Chief Commissioner had given you his most hearty consent to this Bill ever since the last session of parliament?"

A. "So he has."

Q. "Why was it necessary to clench that with the 25,000*l.* a month ago?"

A. "I do not know any necessity for clenching it. It came to our knowledge about a month ago that the result of what had taken place last year, left the Crown in a very peculiar position; that they were, by means of their obligations to the South-Western, required to make a road in one direction, and that which the Court were more anxious for, namely, the closing of the Frogmore road, could not be accomplished: in point of fact, there was a difficulty arising from it."

A difficulty which existed last year: they had the same Bill: they had no more money last year; and those circumstances existed last year, and yet Mr. Saunders tells you there was an obstacle to any treaty on the subject of contribution to the works, because of the arrangements with the South-Western Company.

I say, Sir, I should be glad to know—with the *same* Bill—with the *same* state of circumstances—the *same* monies at their command as they had last year—how any new difficulty has arisen which could warrant the Crown in asking, or the Great Western in offering, anything different this year from what had been offered last year.

Well then, Sir, it appears from Mr. Saunders' evidence that the offer proceeded from them. It appears from Mr. Saunders' evidence, in answer to a question from Serjeant Wrangham, that a counter offer of land proceeded from the Woods and Forests. The Great Western Company suggest money; the Crown, on the other hand, I suppose chary about accepting money without doing something for it, offers land; and then they bring this agreement forward.

Now let us proceed to the Agreement, and see what sort of document it is.

“ An Agreement between the Crown Commissioners and the Great Western Railway Company.” It recites that a Bill is now pending, or about to be introduced into Parliament, to enable the Commissioners of her Majesty’s Woods and Forests, Land Revenues, Works and Buildings, on behalf of her Majesty, to make various alterations and improvements in the approaches to the castle and town of Windsor, in the county of Berks, and then proceeds : *“ And whereas the said Great Western Railway is upwards of two miles distant from the said town of Windsor, and great inconvenience is experienced in proceeding from the town to the said Railway, not only by the passengers proceeding by the said Railway, but also in the transmission of goods, merchandize and troops.”*

Here then is a recital of the public necessity of the Great Western Scheme, very much what would have been put in the preamble, if this had been before your House ; and I dare say is similar to the preamble of the Great Western Bill which is before you. The public necessity is assumed by way of recital ; and then *“ Whereas to obviate those inconveniences, the Great Western Railway Company have preferred their Petition to Parliament in this present Session for a Bill, and a Bill is now pending in Parliament, intituled ‘ A Bill for making a Railway from the Great Western Railway near Slough, to the Town of New Windsor in the County of Berks ;’ And whereas the said proposed Railway is intended to pass over several pieces or parcels of land belonging to Her Majesty in right of her Crown.”*

You will remember the evidence of Mr. Tite, that about an acre and a quarter of Her Majesty’s agricultural land is required for the purpose, and no other land of Her Majesty will be touched in the whole course of the Line ; *“ And*

whereas the said Railway would, by the removal of houses in George Street, Windsor, greatly improve the sanatory condition and general character of the said town, the said street being a badly drained and a badly ventilated street."

This is the scheme of the Railway of last Session; it was to do all that last Session just as now,—but it has been suddenly discovered, that, by the removing of houses in George Street, "it would greatly improve the sanatory condition; " *And whereas by the removal of such houses in George Street, and by the erection of a handsome Station in the said Town, and by widening the approaches thereto, and by means of the alterations and improvements proposed to be effected under the authority of the said firstly recited Bill, the accesses and approaches to the Town and Castle of Windsor, and to the Terminal Station of the said proposed Railway in Windsor aforesaid, would be much improved, and in order to enable the said Company to construct the said Railway, and to provide sites for the erection of houses and other buildings, in lieu of those proposed to be pulled down and removed by the said Company in the execution of their works, and for other purposes, it is desirable that the said Company should acquire from Her Majesty a certain plot of vacant ground in Windsor aforesaid, and certain parcels of land belonging to Her Majesty situate in the parish of Eton in the county of Bucks, more particularly mentioned and described in and by the plans thereof hereto annexed and marked respectively A. & B."*

Then it proceeds further—there is no one single recital sufficient to carry through such an Agreement, and therefore they are multiplied indefinitely, " *And whereas great convenience will be afforded to the said Company by the said improvements contemplated by the said firstly recited Bill, and the said Company have in consideration thereof, and for the considerations hereinbefore and hereinafter*

mentioned, agreed to contribute towards effecting the said improvements contemplated by the said firstly recited Bill as hereinafter mentioned; And whereas such last-mentioned improvements will harmonize with the said proposed Railway, and it will be conducive to the convenience and comfort of the Queen's Most Excellent Majesty, and will tend to the better accommodation of the inhabitants of the town of Windsor aforesaid; that the alterations, improvements and Railway contemplated by the said two several hereinbefore recited Bills should be carried into execution, and the said Commissioners on behalf of Her Majesty, with such consent as aforesaid, and so far as they lawfully can or may, but not further or otherwise, have on behalf of Her Majesty signified their approval of such last-mentioned Bill and have consented to enter into this Agreement upon the terms and conditions following."

Now, you see, that these recitals are practically intended to operate as a direct Crown approval of the Great Western Bill: there is no doubt a vast deal about the convenience to each party of the operations of the other, which, from the evidence of Mr. Brunel and Mr. Saunders, would all have answered just in the same way last year—both Bills being the same as last year. It is quite plain therefore, Sir, that all that is delusion, and intended to be delusion; but the real substance of these recitals, and which no doubt the money really was paid for, are these two recitals,—one that there is a great necessity for the Line, and another that the Crown has consented to the Bill. These are the two recitals for which the consideration no doubt has been paid, and those you will look at as being substantially the recitals on which the agreement proceeds.

Now, I say it cannot be otherwise; in the first place the Company offered £25,000, without having stipulated for any land whatever: they had got the consent they say;

but how were they to prove the consent? Some evidence of the consent was necessary. The evidence of the consent was worth as much money as the consent itself; the only evidence that you have had of the consent, is this agreement. Admitting even that they had got the consent, they had no evidence of the consent, and they did not know how to prove the consent; and this agreement, even on the supposition, (if you will suppose it,) that there had been a long secret understanding between them and the Chief Commissioner—contrary to the whole course of his conduct to the other parties—that they were to have the assent, then it required some evidence of that assent;—and, I say, until they got the agreement by paying £25,000 for it, they were wholly destitute of that evidence;—and I say, deliberately and under full conviction that I am stating what is the case, that they bought this agreement for the sum of £25,000, that they might exhibit it before the Committee. I say it *must* be so. Last year circumstances were just as they are now, with the exception of the agreement with the South-Western Company being a fresh agreement instead of one a year old. Last year the Improvement Bill was precisely in the same condition, the same form of Bill for the same object as this year. Last year the Great Western Company's Bill contemplated all the works that are contemplated this year. Last year the Great Western tell you, they were prevented by the agreement with the South-Western from executing their intention of offering money to the Crown; this year you find them offering money to the Crown, not asking anything in return for it; while the Crown, as a matter of decency, tells them, why you may as well have some land, and here is some land to put into the agreement as a consideration for your money.

Now about the land, no valuer was called on their part to prove its value. Mr. Brunel had got from somebody or other a statement that it was worth £18,000. Mr.

Brunel, although a sufficiently bold and venturesome man, thought he might as well cut that down to £14,000, and then he so arranged his estimate as to make a loss in his view of £11,000 upon the transaction.

Then for a long time the plans referred to in the agreement—which agreement itself had been voluntarily put in—were not to be put in without a special order from the Committee on the subject; certainly one of the most extraordinary proceedings I ever saw; but however the plans were put in. We had some evidence of what the land was; Mr. Tite saw it, and Mr. Tite is entirely unshaken by cross-examination on the subject,—he tells you he thinks £7000 is a high price for the land; and in fact he does not think a great portion of it, namely, the Sheet Street portion, would be worth the £5000 he puts upon it, unless it was for Railway purposes, to which it cannot be applied in any real and true sense by the Company which is to have the land.

Moreover the land is not to be given until all the stipulations in the agreement are performed by the Great Western Company, and one of those stipulations is, that they shall pay £8000 in three months, £8000 more in nine months, and the sum of £9000 within eighteen months after the passing of the said Act; they are also to make a Station, to provide all accommodation for the Queen, and when they have done that, paid the money, and done every thing else that is required, then they are to have this land.

Now, I say it is a blind and a delusory idea; it is in fact practising upon Parliament in a way I do not think right or proper, and that leads me to one or two observations on the matter generally of the dealing of Public Boards with Railway Companies. Speaking for the Eton Masters, I am not in the slightest degree disposed to spare the South-Western Company, if there was anything wrong in their transaction. The Evidence, however, is, that in that

case certain definite Works were to be performed, and those Works were estimated by impartial people, and the South-Western were bound to do them; but there is no doubt about this, that that fell in with a precedent arrangement with the Crown,—the Woods and Forests of course I am speaking of,—with regard to certain improvements at Windsor, and that they fixed upon a Railway Company a portion of that outlay which at any rate would have been incurred if they could have found the means.

That was the case of the South-Western, and I think that objectionable to a certain extent—at least it is part of an objectionable system; there is no doubt great difficulty now-a-days in a great many public works, because the economy of Parliament will not furnish means for carrying them out; the Public Boards have consequently,—and I speak generally with regard to almost all the Public Boards,—fallen into the practice of exacting money from Railway Companies that come before them, they having an absolute power in almost every instance of stopping their Bills, if their terms are not acceded to.

But, Sir, this evil is come to a height, and is exhibited in this instance with a degree of nakedness which I think I never saw on any previous occasion; it is, practically speaking, taking the prerogative of the Crown to market and selling it to the best bidder; a portion of the prerogative of the Crown was sold last year to the South-Western Company: one would have thought that was the only sale that would have been made in that direction by the Woods and Forests, but they reserved another little bit to be sold this year, and they have sold it for £25,000.

Now, Sir, last year they had the plea and excuse, that the Railway wanted the works they were going to make, this year they have got no such excuse; it is in evidence before you that these works are no benefit to the Great Western Railway, except as they are generally beneficial to

the town; and the only plea on which this agreement rests, the only substantial plea, is, that the Crown is to give property valued at the sum of £7000 by a competent valuer, (and no other valuer has been called,) in return for £25,000 to be paid by the Company; and then in the course of that agreement you find, among a number of immaterial recitals and matters wholly beside the mark, one or two recitals which are the truth of the whole thing, which imply the Crown's assent, and which is the only evidence you have before you that the Crown does assent to this Bill.

Now, Sir, in my judgment,—I am speaking for parties independent altogether of either Railway,—this is a scandalous traffic: as regards the Inhabitants and Masters of Eton, and the parties representing the interests of Eton, I say it is a piece of treason to us. I say that our interests were recognized when the South-Western Bill was before Parliament. I say further, that all the arrangements with regard to the South-Western Bill were arrangements evidently having upon them the stamp of a *final settlement* of the question of access into Windsor. I say, that was confirmed by the Evidence of the Chief Commissioner of Woods and Forests,—confirmed by the agreement which was entered into with him, stipulating for the Great Western access to Windsor,—confirmed by what you have heard subsequently passed between the Chief Commissioner and Mr. Drake. I say, that the whole of that conduct of the Crown has been departed from in this instance, and departed from to our detriment, for the sum of £25,000. I say we have been harshly treated; we have been extremely ill treated, and that in a quarter from which we had the best right to expect protection and support. And I say, Sir, that it would be very much better, in a public point of view, that Parliament should allow a little more money to be given for public objects, professedly and openly, than that they should leave the public—for it is

still the public in another shape—to the tender mercies of Boards like this, who not only sacrifice their own dignity in these transactions, but may, and have on this occasion, sacrificed the interest of others comparatively helpless, depending confidently, as they had reason to suppose they had a right to depend, on the protection which this Board offered them.

Well now, Sir, these are circumstances in which we come before you against this Bill. We come representing, as I have told you, the whole body of those charged with the discipline of the School. They are unconnected with *any* Railway, nobody can charge them with it; there is not a man among them who is tainted, or has been accused of being tainted, with Railway mania; we come before you, and for the *second time*, to protest against this measure. Now, I say, the simple protest, the simple expression of dissent of such parties, even if it had no substantial data to go upon, would and ought to receive very great consideration at the hands of the Committee. I do not mean in the slightest degree to say that in a case of imminent public necessity, in a case where no other means could be found to meet the exigencies of the public, you would regard such a dissent with any over-lenient feelings; you would scrutinise its grounds; but still, when you find an intelligent and independent body—a body representing not their own interests, but the interests of those for whom they are trustees, coming forward at great personal inconvenience, and hitherto personal expense, to make a protest on the subject,—that in itself is a strong *primâ facie* ground in support of their case. There can be no doubt whatever that the mere dislike of many a powerful landowner has before now thrown out Lines far more important than this, and yet you cannot search into the grounds of such oppositions; you do not know what amount of interest is at the bottom of them. Here you

have a body whose nature you know, whom you cannot suspect, unanimous against the measure. But their objections, as I said, are not and cannot be proved to be unfounded after the evidence you have heard. I believe amongst the Committee there is some local knowledge of these matters. The whole of the west side of Eton is, practically speaking, the playing fields of the boys; there are the regular playing fields appropriated to cricket, and so on; but practically speaking the whole country in the direction of Chalvey and Upper and Lower Hope is the playing fields of the boys; they go over them at all times without any restriction, having different amusements and different pursuits in nearly every portion of them.

Now of that open space, so practically occupied by Eton boys, a large portion, down to the black mark on the map, is to be occupied by a Line nearly upon a level, or upon a slight embankment. Dr. Hawtrey tells you, he has known boys cross over a Line just before a Train comes, that he has known boys throw their shilling on the Rails to watch the effect of the Trains upon it, and that he has no doubt whatever that you will have boys straying on the Line in the course of their exercise in that direction, and he himself is anxious, and feels great responsibility on the subject. All the other Masters concur in the view, there is not one who does not think that is a point of danger and inconvenience, nor any one of the old Etonians whom we have called before you. That is one reason, and I should think a sufficient one. It is admitted how inconvenient this matter is by the Company immediately raising the Viaduct the moment they can, and that is what they call "meeting our objections;" it meets them *partially*,—it *cannot* meet them *wholly*. Then, again, passing over the Hockey Field,—for which a substitute is to be found in some way or other, but which, after all, is a matter

in which the convenience and comfort of the School is considerably engaged,—you come down to the question of the bathing, and you find, certainly, not a very delicate or very convenient approach to the principal bathing-place; and, lastly, you have the crossing of the river with a pier (the evidence is so fresh in your recollection that I will not go into it at all,) which creates a material impediment, and must do so, in one of the most interesting sports of the boys. I am not going to insist on these objections in detail, because the evidence is fresh in your recollection, and you will give it as much weight as it is entitled to and no more. I have no doubt of this, that if this had been a case of a passage of a Line through a gentleman's park, in which his children were accustomed to play, you never would, and *no* Committee ever would, have passed the Line on a representation of that land-owner that his family were in danger, unless there had been a very considerable case of public necessity shown. And, practically speaking, this is the park of the Eton boys, they are not the owners of the soil, that is not pretended, but for all practical purposes it is their pleasure ground and their park, and their numbers are far beyond that of any private family, and their habits are such as every one will tell you must expose them constantly to danger, and in other respects to very great inconvenience, if you sanction the passing of this Line.

But now, Sir, besides the mere fact of this Line itself being a nuisance, an inconvenience, a source of danger, to Eton, you have it upon evidence, and the probabilities concur with all the evidence on the subject, that it will expose the School to still further litigation upon this subject, and lead, not improbably, but almost certainly, to an attempt, which, I think, cannot be an unsuccessful attempt to encircle the whole place.

You will remember the evidence of Mr. Okes, that when

the first deputation from the Great Western Company met Eton College on the subject, they proposed to them two different Lines, and that one of those Lines, passing close to the houses of Eton, was strongly urged upon them, because the South-Western Company could not join it. Mr. Brunel drew upon the map the course by which the Line must be joined, if at all, and showed that, practically speaking, it could not be joined, urging as a reason against the other that it *could*, and in all human probability *would*, be joined by the South-Western.

Now, Sir, it is perfectly true the South-Western Company is at present restricted by clauses to stop at Black Potts; that is perfectly true; perfectly true it is prevented from crossing over the river without the consent of the Crown, between Windsor Bridge and Staines Bridge, which need not have been a stipulation, for they could hardly do it anywhere without touching crown land; this is all perfectly true; but it is as perfectly true that some years ago the Great Western Company were restricted from having a Station at Slough, or projecting any Line in the direction of Windsor or Eton. What has led to the change? Public opinion to a considerable extent. The difficulties of parties, such as the College labouring in opposition to the Atmospheric Line, and a variety of concurrent circumstances, have relaxed the prohibitions, and you find the Great Western coming into Windsor on the one hand, while the South-Western have obtained a lodgment on the other. The Crown put the South-Western where it is, and the Crown has done it on a bargain of 60,000*l.* to go to its improvements. You have, therefore, got by the Crown concurrence the Line on the one side, and now you have been told the Crown's concurrence is to pass a Line on the other side. I should like to know what possible security you have that the Crown's concurrence may not be given to a Line encircling Eton, if the whole

course of the Woods and Forests policy can be altered, as we know and see it has been in the transaction which has led to this agreement. What possible security can Eton have that a similar arrangement, or the course of public opinion, or some momentary difficulty of those who are its proper defenders, should not lead, within a comparatively short time, to a junction between those two Lines, a junction which every body, who has expressed an opinion on the subject, thinks would be a just and fair one, and one which could not properly be resisted, because the Crown having engaged to give a *Windsor terminus to the South-Western Company, could not properly refuse to give it an equally good terminus with the Great Western, if by means of the Crown the Great Western are admitted.* That opinion is distinctly expressed by Lord Lincoln and Mr. Gladstone, in the debate that took place in the House of Commons. They say the thing could not be resisted; if the Great Western are to get in that way, Parliament must concede it.

Now, Sir, I say that is a position in which we ought not to be placed, and I say our being placed on the verge of that position has been by the act of parties whose duty it is now to extricate us.

I am strictly taking the position of the Eton people; I am looking about me for their safety; and see what distress they are menaced with. I find, in this Committee Room, Mr. Locke and Mr. Tite giving evidence that public necessity would urge on the South-Western Company the construction of such a Line. They say they do not think the Company could ever rest until it had tried and succeeded in getting it. You are told that was anticipated by the Great Western Company at the time they proposed these Lines to the College, and here you find that both Lord Lincoln and Mr. Gladstone tell the House, that if an entrance is given into Windsor to the Great Western Com-

pany, Parliament never can refuse an equal advantage to the South-Western Company. Humanly speaking it is certain then, according to all the experience which we have in these matters, that the South-Western Company will force itself into Windsor if the Great Western gets there. The alternative modes of doing so are, a Line through the Home Park, under Windsor Castle, or the Junction with the Great Western Company.

Now, then, Sir, if it is to be a Junction with the Great Western Company, I say Eton would be sacrificed over again ; and that is what people anticipate, and reasonably anticipate, unless some compromise is effected in the meantime. If it is to be a Line through the Home Park, then I say the time is come for considering that Line ; and, in my judgment, the Committee have enough evidence and information before them to make up their minds to a definite course to be pursued with regard to that Line. The Crown has brought the South-Western Company to Black Potts ; it has put it in the position for a start, in whatever direction that may be, either a start which is to be ruinous to Eton, or a start which is to save Eton, at some small sacrifice on the part of the Crown. Now, what evidence have we the Crown would *not* consent to such a Line as that. Has any one said so on the part of the Crown ? Has any tittle of evidence at any time been given, to the effect that the Crown would *not* consent to such a Line, if the two Companies were to come to an arrangement upon the subject ?

A letter has been put in by Mr. Saunders from the Chief Commissioner, in which he says the Crown *has not* consented to such a Line ; that is the only evidence which has been adduced to show the Crown *would not* consent to such a Line. On the other hand, you have the evidence of Mr. Drake, clear and explicit, repeated to the Chief Com-

missioner within a fortnight, that, although not agreeable to the Crown——

The Chairman.—I think it is a stronger expression. Where is that letter?

Counsel.—I will turn to it immediately. It is in Mr. Saunders's cross-examination. He received it opportunely while he was under examination here. It is—"Office of Woods and Forests, 23d May, 1848. Sir,—In reply to your inquiry, I beg to state the Promoters of the Great Western Line took no part in suggesting the conditions that the South-Western Company should not oppose any Line between Slough and Black Potts. That suggestion emanated exclusively from the Board of Works. It was clearly stipulated that the Promoters of the South-Western Line should not extend it over the river into Windsor. The Crown *has not* given its consent to such a Line. The proposed Line of the Great-Western to George Street has received the full approval of the Crown. I have the honour to be, &c."

There is, therefore, no Evidence at all that the Crown *would not* consent; and there is evidence that the Crown, through its proper officer, has expressed a disposition to do so, if it could thereby put an end to the litigation upon this question.

Now Mr. Drake's Evidence is clear and conclusive upon that point. It is quite true that no specific Line had been mentioned. It is perfectly true the whole matter was discussed simply upon the knowledge of both parties of the locality; the Crown cannot therefore be supposed to have expressed an opinion on any given Line; but the general principle of the Crown's assent was settled by the Chief Commissioner, when he told Mr. Drake that, although the Crown would not like it, yet, if it would make peace between the Companies, the Crown would give its assent to such a Line.

Now, Sir, that is one point disposed of, as far as evidence on such a matter can go. We must always be in a certain state of mist and haze on the subject of consents of this kind, until they leap before you in their full-grown shape, such as is exhibited in this Agreement. But so much evidence as is to be had, we have, and the same amount of evidence, nay, more evidence we have of the probability of the College consent to such a Line, and all parties admit that, engineeringly speaking, there would be no difficulty in constructing it.

But, Sir, that being the state of the case, it is quite plain there is another method for the Great Western Company to get into Windsor beside the method which they have proposed. It is one certainly not of greater expense. It is one which will involve, certainly, not near so much sacrifice of feeling as this one; it is one which will as well meet the convenience of parties as the Line before the Committee.

This, then, Sir, is a settlement which is evidently open at this moment, and the *only* dissentient party to the settlement is the Great Western Company. Now, on what ground is the dissent? I ask you whether in the whole course of the evidence there is a single tittle of it which shows that the Great Western has a right to complain, if it is forced to take such an entrance as that into Windsor? There is not a single reason, I have looked for it in the evidence, and there is not a single reason given. It is perfectly true that they have raised this point, namely, that the Line to the westward of their Slough Station is a more convenient Line than a Line leaving the main trunk to the Eastward; but when you come to look into the question, see what it issues in.

According to Mr. Brunel, and according to the Evidence generally, it seems there are only two trains which go to Windsor *exclusively*, that is, which stop at Slough with a

view to Windsor; those trains would probably run to Windsor, as Mr. Brunel tells you, without stopping at Slough; of course they could run to the eastward of the Slough Station, just as well as they could to the westward, perhaps more conveniently, as they would not pass through the Station—all the remainder of the Windsor traffic which is distributed through their different trains would have to enter the Slough Station, different carriages, or at any rate different locomotives, be used, and so sent off on the Branch Line. Being so situated, if they are to run into the Station, it is plain they might just as well be drawn in the direction of Datchet out of the Station, as they could be drawn in the direction of Windsor by way of Chalvey out of the Station. If they had a large amount of through trains, the arrangement would be precisely the same, for they would still go by the first curve down in the direction of Windsor, without stopping at the Station; but having a large amount which is not simply through traffic, but traffic mixed up with other traffic, it must be re-adjusted in the Station, and it can matter nothing to that traffic, whether it is sent out of the Station in a Western or Eastern direction.

That is the only one argument I heard on the subject of the accommodation to be given by the Great Western Company; but of course the real and true reason is this,—they want to have an advantage over the South-Western Company,—they who have paid only 25,000*l.* want to have an advantage over those who purchased their position for 60,000*l.*,—what they desire is to keep the South-Western Company at Black Potts, while they force themselves into Windsor Town. The Eton people have no wish to keep the Great Western out of Windsor. My instructions are, let them have fair play. How can fair play be more effectually given than by *both coming to the same Station?* If Black Potts Station is sufficient, take

them both there. If a Windsor Station is necessary, the Crown and College, and the South-Western Company, the Eton Masters, every body concur in saying, if you will only make up your minds about it, and settle your differences, you may come there. The Great Western Company holds out, and it holds out because it is determined, if possible, either by buying or by any other mode, to get an advantage over the South-Western Company, and establish itself exclusively at Windsor, to the entire destruction, as we think, of the Eton interest, and, as I think, to the infliction of great injustice and hardship on the South-Western Company.

And now, Sir, I believe I have gone through all the points which it is material for me to bring under your consideration; and as far as I am concerned for Eton College, the course I beg to submit to the Committee is this,—it being evidently in the power of the Crown to settle this matter, because its consent is indispensable for any Line which shall come into Windsor, or any Line in the neighbourhood,—it being in the power of the Crown absolutely to settle it, the Crown having shown a disposition so to do up to a recent moment by a joint arrangement between the Companies—the College being of the same mind—the departure of the Crown from that proposal and from its mediation being apparently upon grounds which the Committee, I am sure, will not assent to, or consider fit grounds for departure from their original opinion,—they will do that, if they are advised by me, which will leave the whole matter for a future settlement, while, at the same time, they express their opinion upon the subject in such a way that it must influence the Great Western Company.

If the Line of the South-Western Company from Slough to Blackpotts is of any value in further approaching Windsor, let them pass that Line; if they think it is not fitted for that purpose, let them reject that Line; and let them, (if

they shall be guided by me, and by me speaking solely for the interest of those whom I represent,) let them give such a parliamentary expression of their opinion on the subject as will induce the Great-Western, *the sole recusant party*, to see the folly of any longer interfering in their exclusive course, and bring them another Session, with the consent of all, (which consent we know practically has been already obtained,) to some *one* Station at which both parties will be accommodated. We do not care, as far as we are concerned, whether they come into Windsor alone or with the South-Western; they may come, if the Crown think fit, alone to the foot of Thames Street, and leave the South-Western at Black Potts; that is a matter of justice between the Crown and the South-Western which we do not meddle with. All we say is this—here is another course open; here are vast inconveniences attending the course you have suggested; you alone are the party who will not enter into the arrangement. We ask at the hands of Parliament that you, Sir, will give such a direction as will render it impossible for the Great Western to persevere in a course which is detrimental to the interests of every body concerned, and which will not preserve their own Station in Windsor singly, because, they having obtained their entrance, the South-Western must find its way in; the only question being, which shall get in first, and which has the best means of assisting the other. Having submitted these considerations, I trust you will throw out the Bill, and, if you think fit, express your opinion in the way I have suggested.

[The Committee, before giving any opinion on the Preamble, adjourned, in order that communications might be made to the Eton Masters, with a view to ascertain whether any clauses could be inserted which would meet their objections.

[At the adjourned Meeting of the Committee, the following Letter was read by the counsel representing the Eton Masters.]

“ Eton College, May 31st, 1848.

“ My dear Sir— We learn from authority that the Committee have, for the present, deferred giving not only their final decision, but even their opinion upon the preamble of the Great Western Railroad Bill. In the meantime the Committee have desired, as we also learn, that the Eton Masters and Assistants should have an opportunity of reconsidering their objections to that Bill, with a view of ascertaining whether the Great Western Company could propose any clauses by which those objections could be removed. We feel ourselves, under these circumstances, compelled to state to our Eton Counsel the only conclusion at which we are able to arrive. For several years we have anxiously weighed the subject in all its bearings. We have no private property to defend or to improve; we have no personal or selfish interests to consult; we merely hold a sacred trust for a great school, dear to many men of all ranks, and we cannot betray it. We have heard again and again, on the part of the Great Western Directors, every possible suggestion for removing the objections which we have declared in evidence. We are fully persuaded that those gentlemen are willing to do all that large

“ pecuniary resources and great engineering skill can by
 “ any possibility effect, to remove those objections; but
 “ in all sincerity we are still convinced that no such
 “ possibility exists. Were we to recount in detail
 “ all the evils which we foresee to the discipline, the
 “ safety, and the comfort of the boys intrusted to our
 “ care, (should this bill unhappily receive legislative
 “ sanction,) we should only be repeating all our Evidence.
 “—Evidence of which the truth has been confirmed after
 “ ocular inspection, as well as early local experience, by
 “ men of the highest character, position and talents in the
 “ country, and sharing with us no motive but that of a
 “ warm and conscientious love of Eton.—We abide by our
 “ Evidence, and we believe as we did in giving it, that the
 “ passing of the Great Western Bill for a Line into Wind-
 “ sor will, of necessity, inflict an irreparable injury upon
 “ the best interests of Eton School. To defend those in-
 “ terests we are bound by every tie of gratitude, affec-
 “ tion and duty. We earnestly urge you to lay this our
 “ deliberate judgment before the Committee. We do so
 “ with a strong and respectful hope, that an appeal in such
 “ a cause, from men impelled to the course which they have
 “ taken solely by a sense of high responsibility, will not
 “ be unavailing. We do not appear in the character of
 “ advocates for *any* Railroad. We are perfectly contented
 “ with what we have. We have no wish to interfere with
 “ the privacy or the comforts of others by any favourite
 “ Line of our own. We offered no opposition last year to
 “ that Line, which we believed to have (if any had) her
 “ Majesty’s preference, nor would we willingly oppose
 “ any road justly demanded for the personal comforts of
 “ the sovereign, or the convenience of the public.

“ In the present case, however, we are convinced that
 “ no such demand exists for the proposed Line; and we
 “ are equally convinced that this Line prepares for us *now*,

“ and still more *in prospect*, irremediable injury without
“ any countervailing advantage whatever. We desire, at
“ the same time, to express to the Committee our thanks
“ for the opportunity given us for reconsidering our views,
“ and of stating those convictions which every recon-
“ sideration has only contributed to strengthen.

“ I am, my dear Sir,

“ Your's very faithfully,

“ E. C. HAWTREY, Head Master.

“ Approved and Signed by

“ RICHARD OKES, Lower Master.

“ EDWARD COLERIDGE, Assistant Master.

“ WILLIAM GIFFORD COOKESLEY, Assistant Master.

“ EDWARD HAYES PICKERING, Assistant Master.

“ HARRY DUPUIS, Assistant Master.

“ CHARLES OLD GOODFORD, Assistant Master.

“ CHARLES JOHN ABRAHAM, Assistant Master.

“ WILLIAM ADOLPHUS CARTER, Assistant Master.

“ FRANCIS EDWARD DURNFORD, Assistant Master.

“ EDWARD BALSTON, Assistant Master.

“ JOHN EYRE YONGE, Assistant Master.

“ HENRY MILDRED BIRCH, Assistant Master.

“ W. L. ELIOT, Assistant Master.

“ JOHN WM. HAWTREY, Assistant Master.

“ CHA. LUXMORE, Assistant Master.

LONDON :
PRINTED BY W. P. METCHIM, BEDFORD STREET,
BEDFORD ROW.

h.



